IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD., Plaintiff,) C.A. No. 21-1015 (GBW)
v.	DEMAND FOR JURY TRIAL
SAREPTA THERAPEUTICS, INC., Defendant.)
SAREPTA THERAPEUTICS, INC. and THE UNIVERSITY OF WESTERN AUSTRALIA, Defendant/Counter-Plaintiffs)))
v.)
NIPPON SHINYAKU CO., LTD. And NS PHARMA, INC., Plaintiff/Counter Defendants.)))

PLAINTIFF'S *DAUBERT* MOTION TO EXCLUDE THE TESTIMONY AND OPINIONS OF ANDREW HIRSHFELD

Plaintiff/Counter-Defendant Nippon Shinyaku Co., Ltd. and Counter-Defendant NS Pharma, Inc. (collectively, "NS") hereby move this Court to exclude and strike certain portions of expert testimony by Defendants' expert Andrew Hirshfeld. Specifically, NS seeks to exclude Mr. Hirshfeld's opinions in which he opines regarding the governing law as set forth in his opinions in paragraphs 22-31, 69-75, 86-100 of Mr. Hirshfeld's October 11, 2023 Expert Report and paragraphs 12-14 of Mr. Hirshfeld's October 27, 2023 Rebuttal Report. The grounds for this Motion are set forth in NS's opening brief filed contemporaneously herewith.

Pursuant to Local Rule 7.1.1, the undersigned certifies that a reasonable effort has been made to reach agreement with Sarepta regarding the instant Motion, but the parties were unable to reach agreement.

Dated: December 11, 2023

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Respectfully submitted,

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